

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MENTAL DISABILITY LAW CLINIC, TOURO
COLLEGE, JACOB D. FUCHSBERG LAW CENTER,

Plaintiff,

-against-

MICHAEL F. HOGAN, PH. D, in his official capacity of
Commissioner of the New York State Office of Mental
Health; M.D. MARC SEDLER, in his official capacity as
Chairman of the Department of Psychiatry at University
Hospital of the State University of New York at Stony
Brook; and SUFFOLK COUNTY,

Defendants.

NICHOLAS G. GARAUFIS, United States District Judge.


ORDER OF DISMISSAL
2:12-CV-2605 (NGG) (RML)

In this action, the Mental Disability Law Clinic (the “Clinic”) of Touro College, Jacob D. Fuchsberg Law Center asserted violations of state and federal law relating to the civil commitment of individuals with mental illness. (Am. Compl. (Dkt. 20).) In a Stipulation and Order filed by the parties on February 25, 2016 (Dkt. 67), and approved by the court on October 20, 2016 (Dkt. 70), the parties indicated that the Clinic “lacks standing to be a plaintiff in this action.” The court therefore exercises its responsibility to consider the issue of subject matter jurisdiction sua sponte. See Mastafa v. Chevron Corp., 770 F.3d 170, 187 (2d Cir. 2014). The absence of an active plaintiff deprives the court of jurisdiction because there is no longer a “case or controversy” within the meaning of Article III. ABN Amro Verzekeringen BV v. Geologistics Ams., Inc., 485 F.3d 85, 94 (2d Cir. 2007).

For these reasons, the case is DISMISSED WITH PREJUDICE. The Clerk is respectfully DIRECTED to close the case.

SO ORDERED.

Dated: Brooklyn, New York
October 20 2016

/s **Nicholas G. Garaufis**
NICHOLAS G. GARAUFIS 
United States District Judge